

HOUSE No. 2008

The Commonwealth of Massachusetts

PRESENTED BY:

Robert P. Spellane

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to protect the public from condemned, vicious dogs.

PETITION OF:

NAME:

Robert P. Spellane

DISTRICT/ADDRESS:

13th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1993 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROTECT THE PUBLIC FROM CONDEMNED, VICIOUS DOGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 140 of the Massachusetts General Laws, as appearing in the 2002 Official edition, is
2 hereby amended by inserting after Section 157 the following Section:--

3 Section 157A: Costs incurred by, and custody of vicious dogs during appeals process.

4 Following the order of destruction against a dog made by a municipality's selectmen, officer in
5 charge of the animal commission, or person, organization or entity charged with the
6 responsibility of handling dog complaints made under the provisions of Section 157 of this
7 chapter, the dog officer shall immediately take custody of the dog from the owner or keeper.

8 If the owner or keeper appeals the order of destruction as outlined in Section 157 of this chapter,
9 the organization or entity charged with the responsibility of handling dog complaints and
10 impoundment shall continue to supervise the dog's care until the owner or keeper exhausts all
11 appeals or discontinues the appeals process.

12 If a court affirms the order of destruction, the owner or keeper shall reimburse the city or town
13 for all costs that the dog incurs for housing and care during its impoundment and throughout the

14 appeals process. Any unpaid costs shall be recovered by the municipality in which the
15 aforementioned owner or keeper resides on behalf of the organization or entity charged with the
16 responsibility of handling dog complaints and impoundment by one of the following methods:

17 1) A lien on any property owned by the aforementioned owner or keeper.

18 2) An additional, earmarked cost to appear on the aforementioned owner or keeper's
19 vehicle excise tax.

20 3) A direct bill sent to the aforementioned owner or keeper.

21 All funds recovered by the municipality shall be transferred to the organization or entity charged
22 with the responsibility of handling dog complaints and impoundment. In the case that the
23 aforementioned organization or entity falls under the management or direction of the said
24 municipality, any costs recovered will be distributed under the discretion of the municipality.

25 In the case that the court overturns the order of destruction, the city or town shall pay all costs
26 that the dog incurs for housing and care during its impoundment and throughout the appeals
27 process.